

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHELLE CHARVAT,

Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

)
) CASE NO. 1:22CV2121
)
)

) JUDGE BENITA Y. PEARSON
)

) **MEMORANDUM OF OPINION**
) **AND ORDER**

An Administrative Law Judge (“ALJ”) denied Plaintiff Michelle Charvat’s application for disability insurance benefits (“DIB”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge Darrell A. Clay for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On October 25, 2023, the magistrate judge submitted a Report ([ECF No. 12](#)) recommending that the Court reverse the Commissioner’s decision and remand the case to the Commissioner.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. On October 31, 2023, the Commissioner filed a Response to Magistrate Judge’s Report and Recommendation ([ECF No. 13](#)) stating that the Commissioner

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will not be filing objections to the Report. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The decision of the Commissioner of Social Security is reversed and the case is remanded to the Commissioner for further proceedings and a new decision.

IT IS SO ORDERED.

November 9, 2023
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge